

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE SHAFFER II and KATHLEEN
SHAFFER,

Plaintiffs,

v.

ER SOLUTIONS,

Defendant.

Case No. 06-12143

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a four-count complaint in this court May 10, 2006, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a, in Count I and the Electronic Funds Transfer Act, 15 U.S.C. § 1693, in Count II. Count III alleges violations of Michigan's Occupational Code, and Count IV alleges violations of Michigan's Debt Collection Practices Act.

While alleged violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1343, the remaining two counts are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the other claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts III and IV are **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: May 31, 2006